

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101  
Prepared by: Bradley Swing, AICP, Planner II

**SUBJECT:** Quasi Judicial Hearing: Ordinance 1st Reading, ZB 4-1-04 Grundman Fabricators, 3030 Burris Road/Generally located on the east side of Burris Road, 2500 feet north of Oakes Road.

**AFFECTED DISTRICT:** District 1

**TITLE OF AGENDA ITEM:** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 4-1-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-3 (HACIENDA VILLAGE), GENERAL INDUSTRIAL, TO M-3, PLANNED INDUSTRIAL PARK DISTRICT (TOWN OF DAVIE); AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The request is to rezone 2.09 acres of land west of State Road 7 within the Grundman Fabricators property from M-3 (Hacienda Village), General Industrial to M-3, Planned Industrial Park District (Town of Davie), in order to allow for the construction of 6,500 square feet of storage area and an additional 1,500 square feet of shop area on the site. The proposed storage space will primarily be used to store existing building materials currently being stored outside. The existing M-3 (Hacienda Village) classification is the original zoning of the property following incorporation into the Town as part of the Hacienda Village Annexation. This zoning district is not a Town of Davie zoning district and will not provide for the development of the property consistent with the intent of the Town of Davie Comprehensive Plan and Land Development Code. The Town's Land Development Code, Section 12-2, requires that all real property be designated with a valid Town of Davie zoning district prior to issuance of a development permit. In addition, the subject site and the properties to the south have been identified as part of the Townwide Zoning Conformance for rezoning to M-3, Planned Industrial Park District.

The rezoning request is consistent with the intent of the M-3, Planned Industrial Park District as it provides for the implementation of the Town's Industrial land use classification. The site is compatible with the surrounding zoning districts and uses. The site is an existing metal fabrication facility located adjacent to the S. State Road 7 Ramp from Interstate-595. Additional industrial property is located to the south of the site and the entrance to Twin Lakes Mobile Home Park is located across Burris Road to the west on Industrial land zoned M-4 (County) Limited Heavy Industrial. The zoning to the north, south and east of the subject site is M-3 (Hacienda Village), General Industrial.

The subject parcel, at approximately 174' x 545', meets the requirements of Section 12-83 of the Land Development Code in regard to minimum lot size, frontage, depth and setbacks. The

existing fabrication facility has access to Burris Road and the additional storage space and shop area proposed is not expected to generate additional traffic, therefore traffic patterns of the surrounding area will not be affected.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the July 14, 2004 Planning and Zoning Board meeting, Vice-Chair Turin made a motion, seconded by Ms. Lee, to approve. Motion carried 3-0 with Mr. Stevens and Mr. McLaughlin absent.

**FISCAL IMPACT:** N/A

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

**Attachment(s):** Ordinance, Planning Report, Justification, Survey, Legal Description, Future Land Use Plan Map, Zoning and Aerial Map

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 4-1-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-3 (HACIENDA VILLAGE), GENERAL INDUSTRIAL, TO M-3, PLANNED INDUSTRIAL PARK DISTRICT (TOWN OF DAVIE); AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from M-3 (Hacienda Village), General Industrial, to M-3, Planned Industrial Park District.

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from M-3 (Hacienda Village), General Industrial, to M-3, Planned Industrial Park District:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof;

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, M-3, Planned Industrial Park District;

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004.

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004.

ATTEST:

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004.

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**TOWN OF DAVIE**  
**Development Services Department**  
**Planning and Zoning Division**  
*Staff Report and Recommendation*

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**Applicant Information**

**Owner:**

**Name:** Richard Grundman  
**Address:** 3030 Burris Road  
**City:** Davie, FL 33314  
**Phone:** (954) 581-0320

**Agent:**

**Name:** Ralph K. Iler, Jr.  
**Address:** 1105 S.E. 5 Court  
**City:** Fort Lauderdale, FL 33301  
**Phone:** (954) 463-7871

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**Background Information**

**Date of Notification:** July 7, 2004

**Number of Notifications:** 15

**Planning and Zoning Board Recommendation:** At the July 14, 2004 Planning and Zoning Board meeting, Vice-Chair Turin made a motion, seconded by Ms. Lee, to approve. Motion carried 3-0 with Mr. Stevens and Mr. McLaughlin absent.

**Application Request:** The request is to rezone the 2.088 acre (90,940 square foot) subject site **FROM:** M-3 (Hacienda Village), General Industrial; **TO:** M-3, Planned Industrial Park District.

**Address/Location:** 3030 Burris Road/Generally located on the east side of Burris Road, approximately 2500 feet north of Oakes Road.

**Future Land Use Plan Map Designation:** Industrial

**Existing Zoning:** M-3 (Hacienda Village), General Industrial

**Proposed Zoning:** M-3, Planned Industrial Park District

**Existing Use:** Metal fabrication with 9,600 square feet of manufacturing and 4,000 square feet of office

**Proposed Use:** Metal fabrication with 11,100 square feet of manufacturing, 6,500 square feet of storage and 4,000 square feet of office.

**Parcel Size:** 2.0877 acres (90,940 square feet)

	<u>Surrounding Uses:</u>	<u>Surrounding Future Land Use Plan Map Designations:</u>
<b>North:</b>	S. State Road 7 Ramp	T, Transportation
<b>South:</b>	Gold Coast Industrial Center	I, Industrial
<b>East:</b>	S. State Road 7 Ramp	T, Transportation
<b>West:</b>	Twin Lakes Mobile Home Park	I, Industrial

#### Surrounding Zoning:

<b>North:</b>	M-3 (Hacienda Village), General Industrial
<b>South:</b>	M-3 (Hacienda Village), General Industrial
<b>East:</b>	M-3 (Hacienda Village), General Industrial
<b>West:</b>	M-4 (County), Limited Heavy Industrial

### **Zoning History**

**Related Zoning History:** Auto Recovery, located approximately 2,600 feet west of the subject site, was rezoned (ZB 2-3-03) from M-4 (Hacienda Village), Limited Heavy Industrial District to M-3, Planned Industrial District by Town Council on May 7, 2003.

**Previous Requests on same property:** The subject site was annexed into the Town (Senate Bill 1149) on September 4, 1984 as part of the Hacienda Village Annexation Agreement.

The site plan, SP 5-2-04, Grundman Storage, has been submitted and is in review.

### **Applicable Codes and Ordinances**

Section 12-2 of the Land Development Code, which requires that all real property within the town shall be designated with a valid Town of Davie zoning district as established in the Land Development Code, Chapter 12, Article II prior to issuance of a development permit.

Section 12-307 of the Land Development Code, review for rezonings; criterion in the Findings of Fact.

Section 12-24(J)(9) of the Land Development Code, Planned Industrial Park (M-3) District. The M-3 District is intended to implement the industrial classification of the Town of Davie Comprehensive Plan by providing for planned industrial parks which can accommodate light, medium or selected heavier industrial uses in an open, uncrowded and attractive manner through limitations on setbacks and coverage. M-3 districts are not intended for locations abutting residential property.

Section 12-83 of the Land Development Code, Conventional Nonresidential Development Standards, M-3, Planned Industrial Park District requires the following minimums: lot area of 43,560 square feet, 150' frontage, 25' setbacks from all street lines; fifty (50) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated residential; ten (10) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated for nonresidential uses; two hundred (200) feet from all property lines for the manufacture,

storage or processing of concrete, cement and lime, and for heavy manufacturing, fabrication and industrial uses, 20% open space, and the following maximums: height 35' and 40% building coverage.

Section 12-34(AA) of the Land Development Code, which requires unified control of development and a conceptual master plan for development of land within the M-3, Planned Industrial Park District.

Section 12-208(A)(14) of the Land Development Code, Requirements for off-street parking. *Manufacturing, wholesale warehousing, distribution centers, and industrial uses.* One (1) space for each six hundred (600) square feet of floor area of the building plus one (1) space for each three hundred (300) square feet of office use.

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## **Comprehensive Plan Considerations**

**Planning Area:** The subject property falls within Planning Area 6. Planning Area 6 includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flexibility has been applied to lands designated Industrial on Nova Drive.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 58.

**Applicable Goals, Objectives & Policies:** *Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2:* The (re)zoning, (re)platting, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Use portion of the Implementation Section.

*Future Land Use Plan, Policy Group 9: Industrial and Employment Center Use, Policy 9-2:* The Town shall endeavor to expand its economic base through expansion of the industrial and manufacturing sectors of its economy.

*Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-2:* No property within the Town shall be rezoned to a zoning district that is not in compliance with the Davie Future Land Use Plan.

*Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

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## Application Details

The request is to rezone 2.09 acres of land west of State Road 7 within the Grundman Fabricators property from M-3 (Hacienda Village), General Industrial to M-3, Planned Industrial Park District, in order to allow for the construction of 6,500 square feet of storage area and an additional 1,500 square feet of shop area on the site. The proposed storage space will primarily be used to store existing building materials currently being stored outside.

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## Staff Analysis

The existing M-3 (Hacienda Village) classification is the original zoning of the property following incorporation into the Town as part of the Hacienda Village Annexation. This zoning district is not a Town of Davie zoning district and will not provide for the development of the property consistent with the intent of the Town of Davie Comprehensive Plan and Land Development Code. In addition, the Town's Land Development Code, Section 12-2, requires that all real property be designated with a valid Town of Davie zoning district prior to issuance of a development permit.

The rezoning request is consistent with the intent of the M-3, Planned Industrial Park District as it provides for the implementation of the Town's Industrial land use classification. The site is compatible with the surrounding zoning districts and uses. The site is an existing metal fabrication facility located adjacent to the S. State Road 7 Ramp from Interstate-595. Additional industrial property is located to the south of the site and the entrance to Twin Lakes Mobile Home Park is located across Burris Road to the west on Industrial land zoned M-4 (County) Limited Heavy Industrial. The zoning to the north, south and east of the subject site is M-3 (Hacienda Village), General Industrial.

The subject site and the properties to the south have been identified as part of the Townwide Zoning Conformance for rezoning to M-3, Planned Industrial Park District. State Road 7 to the north and east is planned to be rezoned to T (Transportation) and the mobile home park to the west is subject to the Forman Agreement and will not be rezoned as part of the Zoning Conformance.

The subject parcel, at approximately 174' x 545', meets the requirements of Section 12-83 of the Land Development Code in regard to minimum lot size, frontage, depth and setbacks. The existing fabrication facility has access to Burris Road and the additional storage space and shop area proposed is not expected to generate additional traffic, therefore traffic patterns of the surrounding area will not be affected.

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## Findings of Fact

### Rezoning:

#### **Section 12-307(A) (1):**

**The following findings of facts apply to the rezoning request:**

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

*The Future Land Use Plan Map designates the parcel as Industrial (I). The land use category, Industrial (I) is intended to promote the development of a variety of industrial uses, including employment and business centers, that enhance and expand the economic base of the Town. The permitted uses in the Industrial category include light and heavy industrial. The proposed M-3 zoning district is consistent with the underlying land use and the proposed expansion of the existing metal fabrication facility is compatible with the existing surrounding uses.*

- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

*The existing zoning of the property is M-3 (Hacienda Village), General Industrial. The zoning districts surrounding the property include M-3 (Hacienda Village), General Industrial and M-4 (County), Limited Heavy Industrial zoning. Rezoning to the proposed M-3 zoning district is required to permit expansion of the existing metal fabrication facility. The existing metal fabrication facility is compatible with the existing use to the south. State Road 7 is located to the north and east. The proposed expansion of the existing use would not be unrelated or incompatible with adjacent or nearby zoning districts.*

- (c) Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;

*The existing M-3 (Hacienda Village) classification is the original zoning of the property. This zoning district is not a Town of Davie zoning district and will not provide for the development of the property consistent with the intent of the Town of Davie Comprehensive Plan and Land Development Code.*

- (d) The proposed change will not adversely affect living conditions in the neighborhood;

*The proposed rezoning to the M-3 will not adversely affect living conditions in the neighborhood because all property in the neighborhood has industrial land use and zoning including the Twin Lakes Mobile Home Park, located adjacent to the site to the west.*

- (e) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

*The proposed rezoning to M-3 will not increase automobile traffic or affect public safety because the proposed expansion is intended to provide additional storage space for building materials currently stored outside. The proposed expansion is not expected to generate additional traffic, therefore traffic patterns of the surrounding area will not be affected.*



- (f) The proposed change will not adversely affect other property values;

*The proposed change will not adversely affect property values. The site faces State Road 7 to the north and east and the properties to the south and west are already developed.*

- (g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

*Rezoning the subject site will not deter development or improvement of adjacent parcels. All adjacent property is already developed. The proposed expansion of the metal fabrication facility will not impact the surrounding existing businesses.*

- (h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

*This request as submitted is not a grant of special privilege as this proposal was submitted in accordance with the Town's Land Development Code and reviewed for consistency with the Town's Comprehensive Plan. In addition, this request is a privilege that can be afforded to any owner that has a parcel that meets the Land Development Code's minimum requirements to achieve the zoning classification.*

- (i) There are substantial reasons why the property cannot be used in accord with existing zoning.

*The existing zoning M-3 (Hacienda Village) General Industrial is not a valid Town of Davie zoning district. Section 12-2 of the Land Development Code requires that all real property within the Town shall be designated with a valid Town of Davie zoning district as established in the Land Development Code, Chapter 12, Article II, prior to issuance of a development permit. The property owner plans to expand the storage space and shop area within the subject site. The only way the property can be allowed to expand is if the property is rezoned to an M-3 zoning district.*

- (j) The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site's location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

*The existing M-3 (Hacienda Village) General Industrial zoning district is not the most appropriate for the site. The proposed expansion of the site will ultimately enhance the Town's tax base. The proposed M-3 zoning is consistent with the Town of Davie Future Land Use Plan Map designation of Regional Activity Center.*

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### **Staff Recommendation**

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

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## Planning and Zoning Board Recommendation

At the July 14, 2004 Planning and Zoning Board meeting, Vice-Chair Turin made a motion, seconded by Ms. Lee, to approve. Motion carried 3-0 with Mr. Stevens and Mr. McLaughlin absent.

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### Exhibits

1. Justification
2. Survey
3. Legal Description
4. Site Plan
5. Future Land Use Plan Map
6. Zoning and Aerial Map

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_



**Grundman  
Fabricators and  
Erectors**

3030 Burris Road  
Davie, Florida 33314  
(954) 581-0320

**Fax Estimating: (954) 584-3196 • Fax Acct: (954) 584-0504**

Town of Davie  
Development Services Department  
Planning and Zoning Division

RE: Justification for Request for Rezoning of Property  
Located at 3030 Burris Road, Davie, FL. 33314  
(Most Recent Plat: 153-48 Parcel "A")  
FOLIO: 5041 13701 0200

Gentlemen:

We herewith request that the Town of Davie should REZONE the subject property from it's current M3 classification under Broward County regulations to M3 under Davie regulations.

The reason for this is that the Owner, Richard Grundman, would like to increase the inventory storage area available on his property. In order for the Site Plan being submitted to be processed more or less concurrently with this Rezoning Application, to receive Final Approval, the Rezoning must be completed. Our understanding is that the Town of Davie also wants this property to be rezoned as part of a total rezoning of properties in the Township. If this is true, our goals are congruent.

We will now respond to the Review Criteria to be found in Section 12-307 Town of Davie Land Development Code:

(A) Planning and Zoning board Review

(1) The planning and zoning board shall hold its public hearing and shall make a recommendation upon the application to the town Council, based upon its consideration of, where applicable, whether or not:

A) The proposed change is contrary, comprehensive plan

**Response:** The proposed project is in conformance with both present and future Land-Use plans, which show "INDUSTRIAL" USE.

B) The proposed change would create, isolated zoning

**Response:** Zoning classification will remain M3.

C) Existing boundaries are illogically drawn.

**Response:** Not applicable

D) Proposed change, living conditions.

**Response:** No residential use in the area

E) Increase automobile and vehicular traffic.

**Response:** The principal use for the new building in this project is Storage: Storage on this scale will not generate new traffic or affect public safety in any way.

F) Adversely affect other property values.

**Response:** We believe that the effect will be to increase, rather than decrease, property values.

G) Deterrent to development of other properties.

**Response:** there is no intent to deter development on nearby properties by any action taken on this property.

H) Grant of special privilege.

**Response:** The owner is not asking for any variances or special exceptions that would amount to special privileges.

I) Substantial reasons.

**Response:** There are no reasons why this property cannot be used in accord with existing zoning except that the Town of Davie insists that this property should be rezoned to the standards established by the Town of Davie, before issuing a Site Plan approval for this project.

J) Appropriate designation.

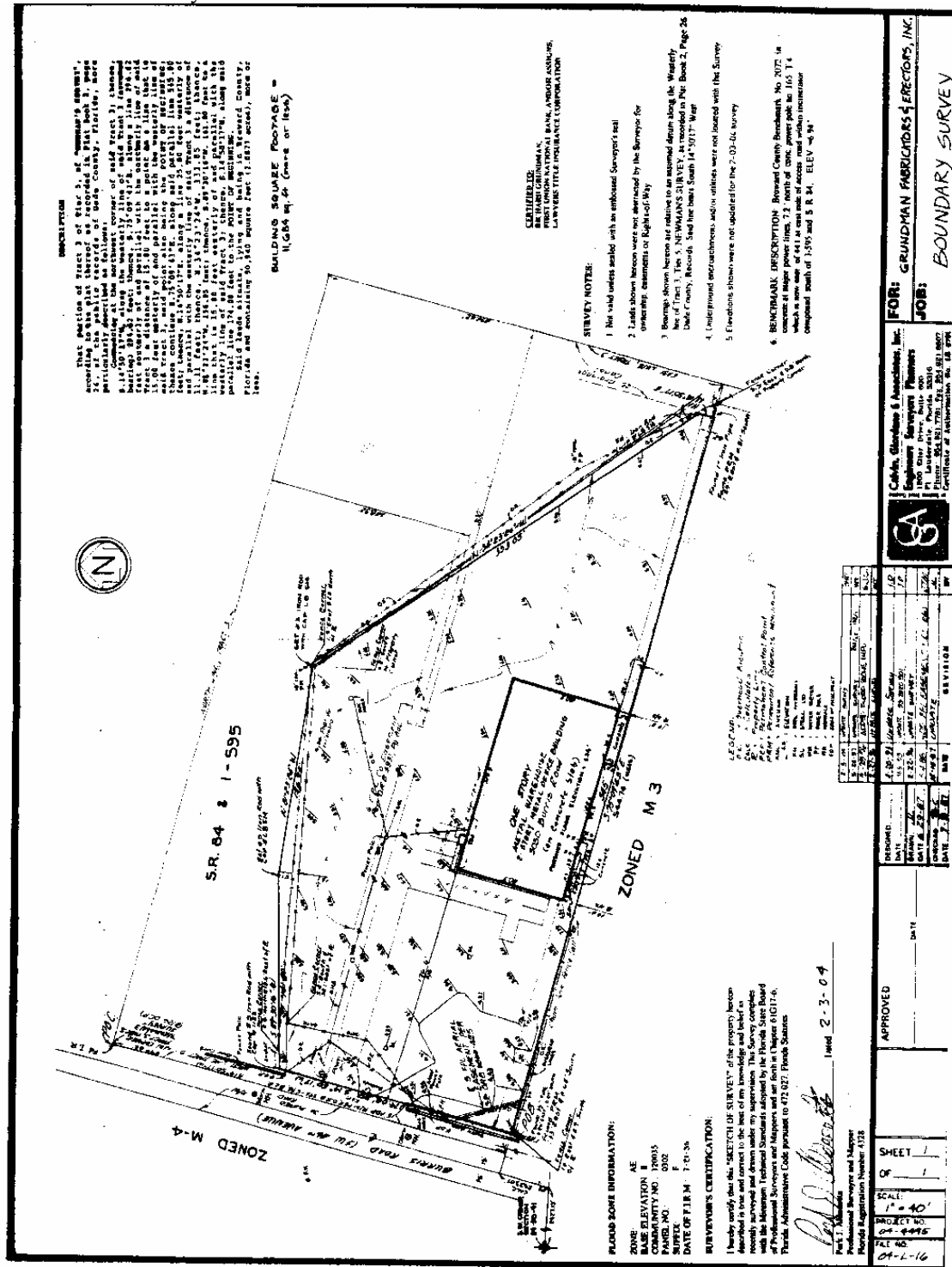
**Response:** the project complies with the Future Land Use Plan.

Thank you for your consideration. We stand ready to answer further questions if they arise.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard Grundman". The signature is fluid and extends to the right with a long, sweeping tail.

Richard Grundman, Owner  
Grundman Fabricators and Erectors, Inc.



REC'D  
JUL 09 2004  
TOWN OF DAVEN  
PLANNING & ZONING DE

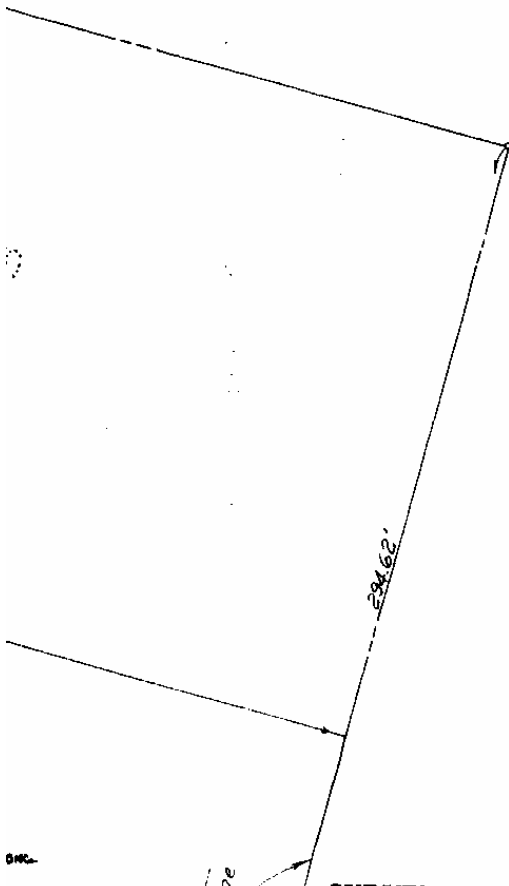
## DESCRIPTION

That portion of Tract 3 of Tier 5, of "NEWMAN'S SURVEY", according to the plat thereof as recorded in Plat Book 2, page 26, of the public records of Dade County, Florida, more particularly described as follows:

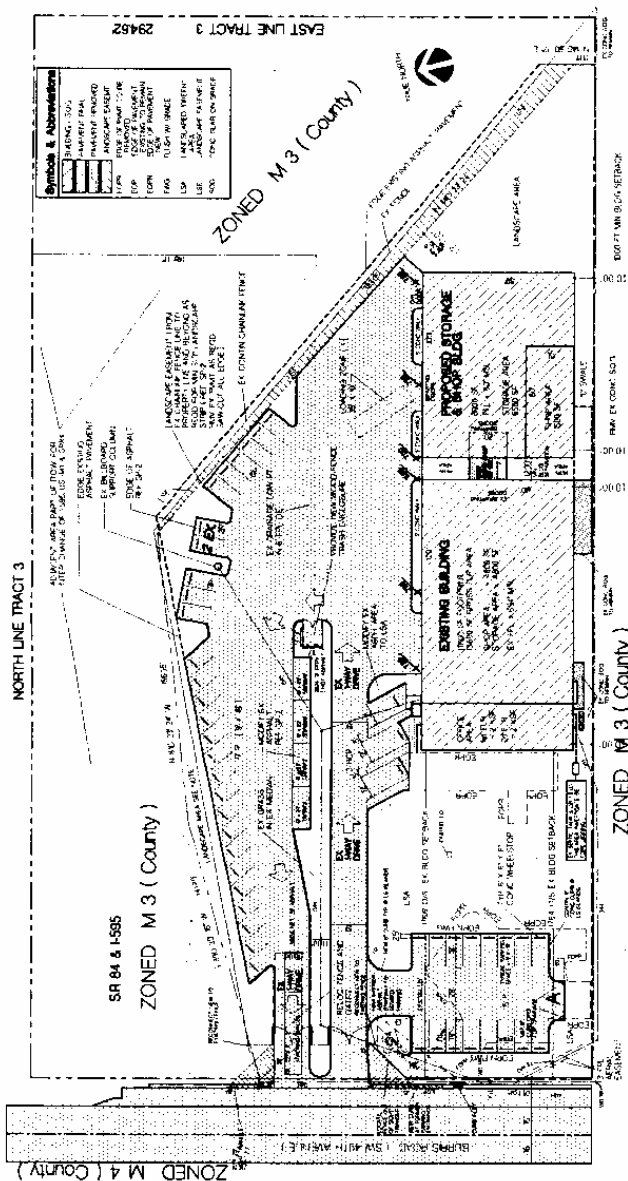
Commencing at the northwest corner of said Tract 3; thence, S.14°50'17"W. along the westerly line of said Tract 3 (assumed bearing) 294.62 feet; thence, S.75°09'43"E. along a line 294.62 feet southerly of and parallel with the northerly line of said Tract 3 a distance of 15.00 feet to a point on a line that is 15.00 feet easterly of and parallel with the westerly line of said Tract 3, said point also being the POINT OF BEGINNING; thence continue S.75°09'43"E. along said parallel line 545.00 feet; thence, N.14°50'17"E. along a line 25.00 feet westerly of and parallel with the easterly line of said Tract 3 a distance of 11.11 feet; thence, N.34°23'24"W. 333.05 feet; thence, N.81°23'24"W. 156.95 feet; thence, S.89°30'16"W. 141.80 feet to a line that is 15.00 feet easterly of and parallel with the westerly line of said Tract 3; thence, S.14°50'17"W. along said parallel line 174.08 feet to the POINT OF BEGINNING.

Said lands situate, lying and being in Broward County, Florida and containing 90,940 square feet (2.0877 acres), more or less.

BUILDING SQUARE FOOTAGE =  
11,684 sq. ft (more or less)



CERTIFIED TO:  
RICHARD GRUNDMAN,  
FIRST UNION NATIONAL BANK, AND/OR ASSIGNS,  
LAWYERS TITLE INSURANCE CORPORATION



## SITE PLAN

TOILET FACILITIES			
PRESENCE AND DURING OCCUPANCY: BUSINESS MAGNUM HARBOR OF EMPLOYEES: 25 (PRESENTLY 3)			
REQUIRED TOILET FACILITIES:			
TOILETS	LABORATORIES	TELEPHONE	SERVICE SHED
MEN	1: 50	1	1
WOMEN			

EXISTING TOILET FACILITIES:			
TOILETS	LABORATORIES	TELEPHONE	SERVICE SHED
MEN	2	1	1
WOMEN	2	1	1
TOTAL	2	1	1

MANUFACTURERS: SITE DATA

[illegible]

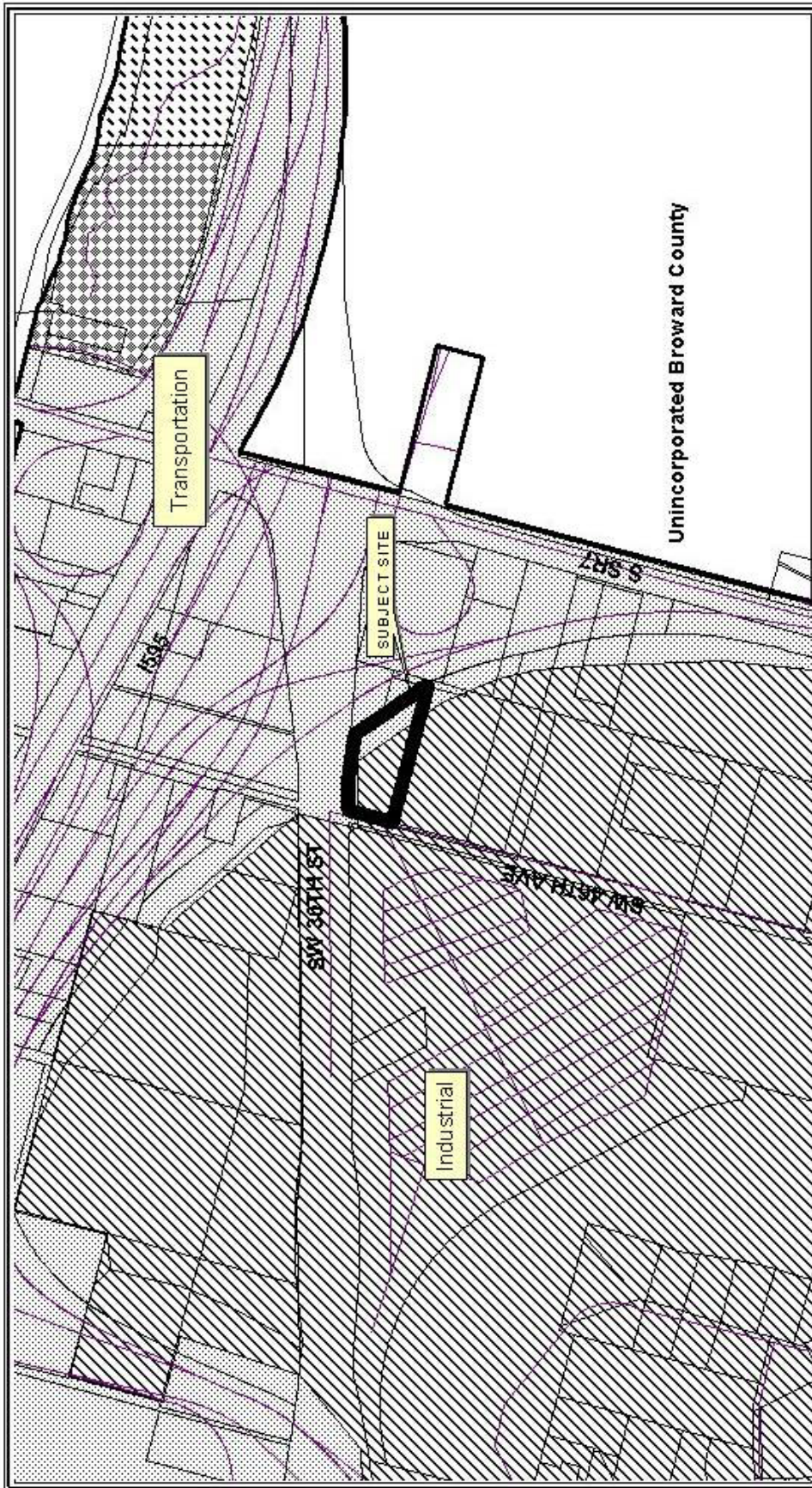
## LEGAL DESCRIPTION

[illegible]

## CHARACTER OF DEVELOPMENT

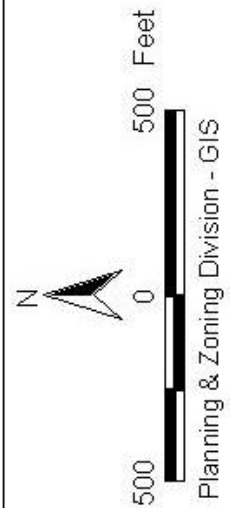
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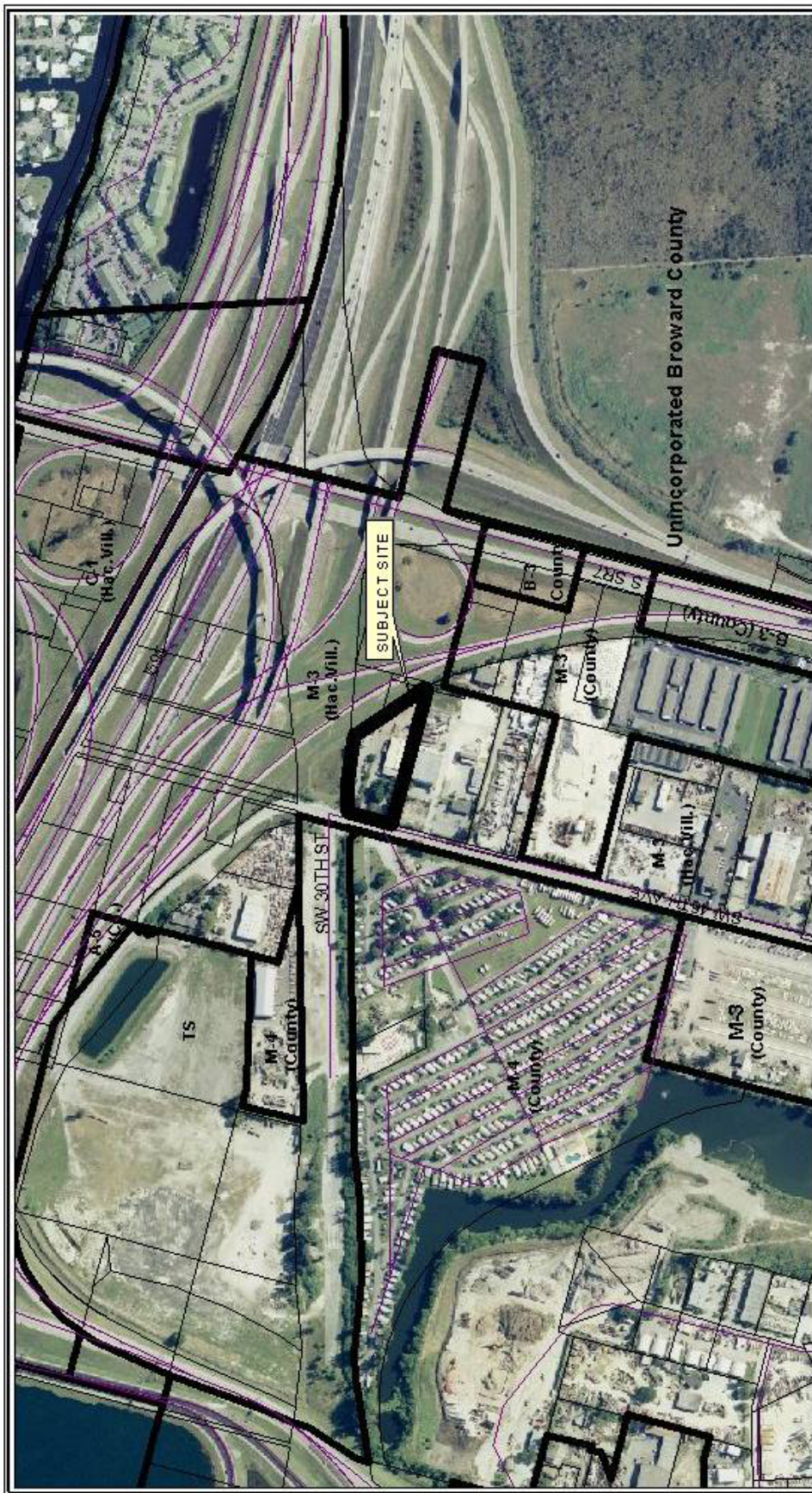


# **REZONING** **ZB 4-1-04** **Future Land Use Map**

Prepared By: B.S.  
 Date Prepared: 6/30/04

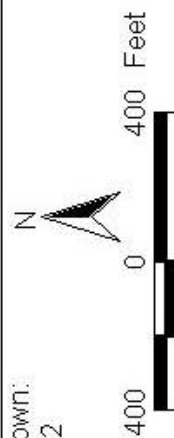






**REZONING  
ZB 4-1-04  
Zoning and Aerial Map**

Prepared By: B S  
Date Prepared: 6/30/04

Date Flown:  
12/30/02

Planning &amp; Zoning Division - GIS